

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

Claims 1-39 were pending in this application. In this response, claims 1, 7, 15, and 20 are amended, and no claim is canceled or added. Thus, claims 1-39 remain pending.

Entry of this Amendment is proper under 37 C.F.R. § 1.116, because the Amendment places the application in condition for allowance for the reasons discussed herein; does not raise any new issue requiring further search and/or consideration, because the amendments merely comply with objections or requirements as to form; does not present any additional claims; and places the application in better form for an appeal should an appeal be necessary. The Amendment is necessary and was not earlier presented, because it is made in response to arguments raised in the final rejection. Entry of the Amendment, reexamination and further and favorable reconsideration of the subject application in light of the following remarks, pursuant to and consistent with 37 C.F.R. § 1.116, are thus respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 112

Claims 1, 7, 15 and 20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 7, 15, and 20 are amended to address the alleged indefiniteness, and thus the amendments render the rejections moot. Accordingly, Applicants respectfully request withdrawal of the rejections.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-39 are rejected under 35 U.S.C. §103 (a) as being unpatentable over U.S. Patent Application No. 6,515,586 to Wymore (hereafter “*Wymore*”) and further in view of U.S. Patent No. 6,335,684 to Eisenmann et al. (hereafter “*Eisenmann*”) on the grounds set forth on page 3 of the Official Action. The Examiner alleges that *Wymore* teaches the elements of claim 1, but admits that *Wymore* fails to disclose obtaining information about the impedance of an object. The Examiner further alleges that *Eisenmann* teaches obtaining information about the impedance of an object, and that it would be obvious to apply that teaching to *Wymore*.

Applicants respectfully traverse the rejection. Whether a claim is obvious is based on an objective analysis of the scope and content of the prior art, the differences between the prior art and each element of the claimed invention, and the level of skill in the pertinent art. See *Graham v. John Deere Co.*, 383 U.S. 1, 15-17 (1966). The Office’s objective analysis of obviousness should be made explicit. See *KSR Int’l Co. v. Teleflex, Inc.*, 82 U.S.P.Q.2d 1385, 1396 (2007).

This application relates to a “sensor network” as a distribution of conductors including first and second divisions of selectable conductors. There is no actual existing sensor network, but the sensor pattern is formed by selecting the conductors such that the pattern is fitted for each situation. This enables optimal monitoring by selecting an appropriate pair of divisions of selectable conductors depending on the case. This pair of divisions of selectable conductors is not a sensor until the measuring electronics has been connected therewith via the multiplexers to perform the claimed selection of conductors. In contrast, *Wymore* discloses an existing network of multiple sensors. The individual sensors of *Wymore* cannot be optimized in the same manner as described by Applicant. This distinction is exemplified by the current claims.

Claims 1-9 and 27-31

Specifically, claim 1 recites the method steps of: selecting the conductors of the first and second divisions of conductors; connecting an excitation signal to the first division; performing scanning cycle of the divisions; deriving a first signal from a coupling of the excitation signal between the first and second divisions; and processing said first signal to obtain information about impedance of the object. *Wymore* fails to disclose each of these steps.

In particular, *Wymore* at least fails to disclose “selecting the conductors of the first division of conductors and conductors of the second division of conductors.” The Examiner appears to allege that scanning sensor status of a sensor network in *Wymore* includes a step of selecting the conductors of the first and second division of conductors. However, *Wymore* fails to disclose any “selecting” step. *Wymore* discloses a network of individually functioning sensors. Perhaps as suggested by the Examiner, sensors in separate rooms could be considered separate divisions of sensors. In addition to disclosing divisions of sensors rather than conductors as recited in the claims, such division of sensors would be the same during every use of the sensor network, because the rooms in which each division is present remains the same, and thus no selecting step is included. In contrast, the selecting step of claim 1 includes selecting the conductors that will form the first division and the second division such that the shape and size of the first and second divisions of conductors may be varied depending on the sensing desired. *See, e.g.*, p.2, para. 28 of the published application. Thus, *Wymore* fails to teach at least this element of claim 1.

Wymore also at least fails to disclose “connecting an excitation signal to the selected first division of conductors.” The Examiner appears to allege that scanning sensor status of a sensor network in *Wymore* necessarily includes a step of connecting an excitation signal to the selected

first division of conductors. In addition to *Wymore* not teaching selecting a first division of conductors to which to connect an excitation signal, *Wymore* fails to teach an excitation signal or a step of connecting it. *Wymore* is silent to any signal generated as an excitation signal or any connection of it to a first division of conductors. The Specification provides that an excitation signal may be generated by an oscillator or a syntethisator. *See, e.g.*, p. 1, para. 19 of the published application. There is no evidence to support the allegation that because a sensor network is scanned for status updates, that an excitation signal is generated and connected to a first division of conductors that have been selected. Thus, *Wymore* fails to teach at least this element of claim 1.

Further, because *Wymore* at least fails to disclose selecting the conductors of the first and second divisions and connecting an excitation signal to the first division of conductors, a first signal is not derived from a coupling of the excitation signal between the first and the second selected divisions of conductors, nor is there processing of that first signal to obtain information about the object. Instead, *Wymore* merely discloses retrieving the status of individual sensors, without deriving signals from coupling an excitation signal between the first and second selected divisions of conductors.

Dependent claims 2-9 and 27-31, which depend from claim 1, are also not obvious for at least reasons similar to those for claim 1. For at least these reasons the rejection should be withdrawn.

Claims 10-26 and 32-39

Claim 10 recites at least the following elements: means to generate an excitation signal during the scanning cycle; means to selectively connect said excitation signal to the first division

of selectable conductors of the transducer means; means to derive a first signal which is related to a coupling through impedance of the object; and means for detecting changes of the impedance of the object to be monitored for obtaining information about characteristic features of the object to be monitored. *Wymore* fails to disclose each of these elements.

The Examiner appears to allege that because *Wymore* allegedly teaches the method steps, *Wymore* teaches the elements of the arrangement recited in claim 10. However, as noted above, *Wymore* at least fails to disclose generating an excitation signal. Further, *Wymore* at least fails to disclose any means to generate an excitation signal. Therefore, at least because *Wymore* fails to disclose generating an excitation signal, there would be no reason in *Wymore* to include a means to selectively connect the excitation signal to the first division of selectable conductors. Additionally, *Wymore* fails to disclose any means for deriving a first signal related to coupling through impedance of the object. *Wymore* merely discloses obtaining status information from individual sensors in a network. There is no reason to have coupling between divisions of conductors that would be impeded by an object, nor to derive any signal related to such impedance. Therefore, *Wymore* at least fails to teach these elements of claim 10.

Dependent claims 11-26 and 32-39, which depend from claim 10, are also not obvious for at least reasons similar to those for claim 10. For at least these reasons the rejection should be withdrawn.

CONCLUSION

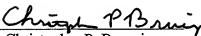
From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Date: October 14, 2009

By:


Christopher P. Bruenjes
Reg. No. 62,941

CUSTOMER NO. 055694
DRINKER, BIDDLE & REATH LLP
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel: (202) 842-8800
F: (202) 842-8465